REMARKS

Claims 1-19 remain pending in the application.

The Examiner has rejected claims 1, 7-11, and 15-16 under 35 U.S.C. § 102(b) as allegedly being anticipated by the Calabrese '226 Patent. The Examiner has also rejected claims 2-6, 12-14, and 17-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of the *Calabrese* '226 Patent and the *Monfardini* '027 Patent. Applicant respectfully traverses the Examiner's rejections.

The invention, as defined by claim 1, is specifically directed to a cervical collar having "a *lateral* reinforcing support member disposed in the region below the mandible bone of the wearer, the support member being fabricated by a substantially incompressible material." Claims 18 and 19 define a method or exercising and a method of fitting having a nearly identical claimed support member. This feature of the present invention is neither taught nor fairly suggested by the *Calabrese* or *Monfardini* references or any of the other references relied upon by the Examiner.

The *Calabrese* patent discloses a cervical collar formed in two halves from a "soft flexible closed cell polymeric material." Straps of VELCRO® fabric material couple the two halves. The VELCRO® fabric material is not disclosed as being a "substantially incompressible material," nor is it disclosed as being capable of providing lateral reinforcing support to the collar. Furthermore. the nature of the VELCRO®'s material being used as a strap necessitates its being flexible and bendable. The collar is provided with front and rear support members, but these support members are not located laterally (i.e., "on the side") as required by the claims. (In addition, the invention disclosed in the present application also includes a hook and loop fastener like in the *Calabrese* patent and it is clear that this structure is incapable of provided the lateral support as claimed.)

Thus, the *Calabrese* patent fails to disclose each and every feature of the claimed invention, and for this reason alone the rejection of claims 1, 7-11, and 15-16 must be withdrawn. Furthermore, the *Calabrese* collar also fails to disclose a rigid lightweight support "for providing sufficient lateral support to the wearer's head" to as required by claim 7, that the support is attached by a rivet as required by claim 9, that the support member is a plate as required by claim 10, or has a rounded corner as required by claims 11 and 15, and that the support plate has a color indicative of a material property as required by claim 16.

None of the remaining references relied upon the Examiner remedies the deficiencies in the *Calabrese* reference. The *Monfardini* reference discloses an adjustable size cervical collar having elongated adjustment elements 20, 21 located at the rear and front of the collar for allowing the collar to adjust its size upward and downward to fit the neck of a user. There is no teaching or suggestion in *Monfardini* to place these front and rear supports on the sides of the collar as required by the claims. At best, the *Monfardini* supports would replace the front and rear supports taught by *Calabrese*. Nor does *Calabrese* teach or suggest that this should be done or is desirable. Moreover, there is no motivation to make the flexible molded collar

of *Calabrese* into an adjustably-sized flat collar as taught by *Monfardini* without destroying the *Calabrese* invention.

Thus, the *Monfardini* patent, taken alone or in combination, fails to disclose each and every feature of the claimed invention, and for this reason alone the rejection of claims 2-6, 12-14, and 17-19 must be withdrawn. With respect to the method claims 18and 19, there is no teaching or suggestion in any of the prior art of record that discloses the claimed method steps. The examiner is requested to show proof for his contention that these method steps are old and well known or withdraw the rejection. Furthermore, the *Calabrese-Monfardini* combination also fails to disclose that the rounded corners of the support are capable of engaging the wearer's mandible as required by claim 5, and that the support is positioned parallel to the wearer's jawbone as required by claim 6.

However the references may be combined, they do not show or suggest the claimed invention. At best, they show isolated elements of the invention, with no suggestion of how to combine the disparate elements. Applicant submits that the invention is obvious only in the eyes of the Examiner, and only with the benefit of hindsight provided by Applicant's own disclosure.
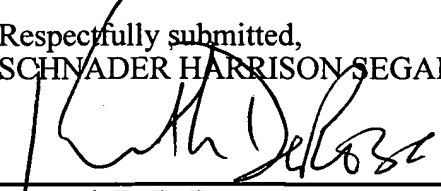
Applicant has reviewed the remaining references cited, but not applied, but do not deem them to be material to the patentability of the claimed invention.

As such, independent claims 1, 18 and 19 are allowable over the prior art of record. In addition, claims 2-17 recite additional features that are also not found in the prior art of record.

In view of the foregoing, applicant respectfully requests allowance of the pending claims. If the Examiner believes that direct contact with Applicant's represent would advance the prosecution of this application, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,
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